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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,583	08/05/2003	John K. Lewis	CCBI/0010.A	6988
24945	7590	11/27/2006	EXAMINER	
STREETS & STEELE 13831 NORTHWEST FREEWAY SUITE 355 HOUSTON, TX 77040			HONG, JOHN C	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/634,583	LEWIS, JOHN K.	
Examiner	Art Unit		
JOHN C. HONG	3726		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 15 September 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) 14-22 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-13 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date *See Continuation Sheet.*

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date  
9/16/03;1/15/04;9/17/04;11/08/04;1/28/05.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of claims 1-13 in the reply filed on 9/15/06 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "40" has been used to designate both outer circumferential surface and outer diameter. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbema et al. (U.S. Patent 55669840 in view of Kuroki et al. (U.S. Patent 4795078).**

**Regarding Claim(s) 1,** Abbema et al. teach a method of forming a conduit assembly for transporting fluids, comprising the steps of: positioning the conduits (12, 14) in opposing relation and placing an end of each of the conduits about the respective opposing ends of a coupling (16) for welded interconnection of the conduits, the coupling including: a cylindrical body (18) formed of the same material as the tubes of the conduits, the body having: an outer diameter that is slightly less than the inner diameter of the tubes of the conduits, and a circumferential recess (44) intermediate the ends of the body (Figs. 1 and 3), and a ring (28) formed of the same material as the tubes of the conduits, the ring being positioned within the recess of the body and having a circumferential stop means (30) for limiting movement of the ends of the body within the respective ends of the conduits by the ends of the conduits abutting the stop means; and at least one circumferential seal (50) intermediate the recess and each of the tapered ends (36) of the body for sealing the interconnected conduits; temporarily affixing the ends of the conduits to one another in the region of the circumferential stop means of the ring; removing the circumferential stop means of the ring to clear an annular pathway for welded interconnection of the ends of the conduits; and welding the ends of the conduits together in the annular pathway (col.5, lines 24-50; col.6, lines 6-33; col.7 lines 60-64; col.8, lines 26-34).

Abbema et al. fail to teach the step of forming a pair of weldable conduits, each of the conduits being formed by: positioning a tube formed of a material having desirable properties within a pipe formed of a commonly weldable material such that one end of the tube is aligned with one end of the pipe, the tube having an outer diameter slightly less than the inner diameter

of the pipe; affixing the tube to the pipe by connecting the aligned ends thereof; and compressing the pipe in a reducing operation so that the inner diameter of the pipe is reduced to a diameter that is less than or equal to the outer diameter of the tube.

Kuroki et al. teach the step of forming a pair of weldable conduits (2,3), each of the conduits being formed by: positioning a tube formed of a material having desirable properties within a pipe formed of a commonly weldable material such that one end of the tube is aligned with one end of the pipe, the tube having an outer diameter slightly less than the inner diameter of the pipe; affixing the tube to the pipe by connecting the aligned ends thereof; and compressing the pipe in a reducing operation so that the inner diameter of the pipe is reduced to a diameter that is less than or equal to the outer diameter of the tube (Figs 6 and 7; col. 3, lines 27-36) so as to obtain a clad pipe of metallurgical joining is uniform at the joined faces (col. 3, lines 37-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of forming a pair of weldable conduits, each of the conduits being formed by: positioning a tube formed of a material having desirable properties within a pipe formed of a commonly weldable material such that one end of the tube is aligned with one end of the pipe, the tube having an outer diameter slightly less than the inner diameter of the pipe; affixing the tube to the pipe by connecting the aligned ends thereof; and compressing the pipe in a reducing operation so that the inner diameter of the pipe is reduced to a diameter that is less than or equal to the outer diameter of the tube, as taught by Kuroki et al. on the method of Abbema et al. so as to obtain a clad pipe of metallurgical joining is uniform at the joined faces.

**Regarding Claim(s) 2 and 3**, Kuroki et al. teach the tube of each conduit is formed of a material having desirable corrosion-resistant and erosion-resistant properties ; and the pipe of each conduit is formed of a carbon steel. (col. 3, lines 29-32).

**Regarding Claim(s) 4-7**, Kuroki et al. teach the various materials for the pipe and the tube (col. 4, lines 8-24). Also it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the pipe or tubes out of these materials because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

**Regarding Claim(s) 8**, Abbema et al. teach the tube of each conduit is affixed to the pipe by tack welding the aligned ends thereof together (col.8, lines 27-29).

**Regarding Claim(s) 9-11**, Kuroki et al. teach: the tube of each conduit is affixed to the pipe by clamping the aligned ends thereof together ; the reducing operation includes rolling the pipe of each conduit ; and the reducing operation includes forcing the pipe of each conduit through a die (col. 6, lines 1-7).

**Regarding Claim(s) 12 and 13**, Abbema et al. teach the cylindrical body of the coupling further has an inner diameter that varies to form a taper at each end of the body (Fig. 3) ; and the coupling further includes an insulator (54) positioned in the recess between the ring and the body for inhibiting the transfer of heat produced by welding the ends of the conduits together (col.7, lines 14-17).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN C. HONG whose telephone number is 571-272-4529. The examiner can normally be reached on HPH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID BRYANT can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JOHN C HONG  
Primary Examiner  
Art Unit 3726

Jh  
November 16, 2006